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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,695	12/14/2005	Bradford W. Petot	PHUS030222US	2045
38107 7590 05/07/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143			EXAMINER SHRIVASTAV, BRIJ B	
			ART UNIT 2859	PAPER NUMBER
			MAIL DATE 05/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,695

Applicant(s)

PETOT ET AL.

Examiner

Brij B. Shrivastav

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 7, 8, 10 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 2, 5, 6, 9, 11, 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's response dated January 18, 2007 has been received. The following is new rejection of the claims using new art found in search update.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagata (US 6,822,447 B1) as applied to claim*** above, and further in view of Igeta et al (US 6,045,262).

As regards to claim 1 Yamagata teaches an MRI apparatus, including a main magnet, gradient magnets a radio frequency transmitter, and a radio frequency receiver to receive magnetic resonance signals from an object (figures 1-3, 13 and 14; numerals 1, 15-17). Yamagata further teaches a subject support and a position controller (figures 3-4; numerals 6, 14 and 16). Yamagata is not very specific teaching a position controller for directly measuring the position of the subject support. Igeta et al teach a position controller for directly measuring the position of the subject support.(paragraph 2, lines 13-27, figures 10-12). It would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt teaching of Igeta et al with the teaching of Yamagata to improve controlling of the subject motion.

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As regards to claims 7 and 13 Yamagata teaches an MRI apparatus and method, including a main magnet, gradient magnets a radio frequency transmitter, and a radio frequency receiver to receive magnetic resonance signals from an object (figures 1-3, 13 and 14). Yamagata further teaches a subject support means and a position controller means (figures 3-4). Yamagata is not very specific teaching a position controller means for directly measuring the position of the subject support means. Igeta et al teach a position controller means for directly measuring the position of the subject support means (paragraph 2, lines 13-27, figures 10-12). It would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt teaching of Igeta et al with the teaching of Yamagata to improve controlling of the subject motion.

As regards to claims 3, 4, 8, 10, 14 and 15, Yamagata teaches position sensor and position controller detecting position of the subject support (figure 2 and 13).

Allowable Subject Matter

3. Claim 16 is allowed, as the prior art of record does not teach or suggest a diagnostic imaging apparatus, wherein a second portion of the position sensor is disposed on at least one of: i) the subject support; and ii) a generally fixed location with respect to the diagnostic imaging apparatus and opposite to the first portion of the position sensor, in combination with the remaining limitations of the claim.

4. Claims 2, 5, 6, 9, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

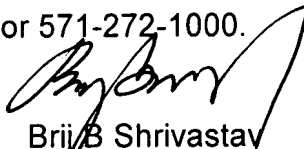
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brij B. Shrivastav whose telephone number is 571-272-2250. The examiner can normally be reached on 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 30, 2007


Brij B Shrivastav
Primary Examiner
Art Unit 2859
